

AMENDED IN ASSEMBLY APRIL 16, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 770**

---

**Introduced by Assembly Member Torres  
(Coauthor: Assembly Member Ammiano)**

February 26, 2009

---

An act to add Section 16000.5 to the Welfare and Institutions Code, relating to Indian tribes.

LEGISLATIVE COUNSEL'S DIGEST

AB 770, as amended, Torres. Indian tribes: foster care and adoption programs.

Existing law provides for child welfare services, which are public social services directed toward, among other purposes, protecting and promoting the welfare of all children, including those in foster care placement. Existing law includes specified findings and declarations of the Legislature relating to child welfare services.

This bill would make it the policy of the state to maximize the opportunities for Indian tribes to operate foster care programs for Indian children pursuant to the federal Fostering Connections to Success and Increasing Adoptions Act of 2008. This bill would require the State Department of Social Services to ~~modify the state foster care plan required under specified provisions of federal law to implement the provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 in a manner that maximizes the opportunities for Indian tribes to operate foster care programs for Indian~~ *children negotiate in good faith with the Indian tribe, organization, or consortium in the state that requests development of an agreement with the state to administer all or part of the programs under specified*

*provisions of federal law relating to foster care and adoption assistance, on behalf of the Indian children who are under the authority of the tribe, organization, or consortium.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 16000.5 is added to the Welfare and  
2 Institutions Code, to read:  
3 16000.5. The Legislature finds and declares all of the following:  
4 (a) The Fostering Connections to Success and Increasing  
5 Adoptions Act of 2008 (Public Law 110-351) provides Indian  
6 tribes with the option, effective October 1, 2009, to operate a foster  
7 care, adoption assistance, and, at tribal option, a kinship  
8 guardianship assistance program under Title IV-E of the Social  
9 Security Act (42 U.S.C. Sec. 671 et seq.). The federal government  
10 will share the costs of a tribe operating an approved Title IV-E  
11 program.  
12 (b) It shall be the policy of the state to maximize the  
13 opportunities for Indian tribes to operate foster care programs for  
14 Indian children pursuant to the federal Fostering Connections to  
15 Success and Increasing Adoptions Act of 2008.  
16 ~~(c) The State Department of Social Services shall modify the~~  
17 ~~California state plan for Title IV-E of the Social Security Act (42~~  
18 ~~U.S.C. Sec. 671 et seq.), effective July 1, 2002, as amended April~~  
19 ~~1, 2003, after the adoption of final rules by the Administration for~~  
20 ~~Children and Families, to implement the provisions of the federal~~  
21 ~~Fostering Connections to Success and Increasing Adoptions Act~~  
22 ~~of 2008 in a manner to maximize the opportunities for Indian tribes~~  
23 ~~to operate foster care programs for Indian children.~~  
24 (c) *The State Department of Social Services shall negotiate in*  
25 *good faith with the Indian tribe, organization, or consortium in*  
26 *the state that requests development of an agreement with the state*  
27 *to administer all or part of the programs under Title IV-E of the*  
28 *Social Security Act (42 U.S.C. Sec. 671 et seq.) on behalf of the*  
29 *Indian children who are under the authority of the tribe,*  
30 *organization, or consortium.*

O